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09/605,544	06/29/2000	Colin S. Cole	3797.86783	8016

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EXAMINER

WINTERS, MAREISHA N

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/605,544

Applicant(s)

COLE ET AL.

Examiner

Mareisha N. Winters

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-22 are presented for examination.

#### *Priority*

2. Acknowledgment is made of applicant's claim for provisional priority under 35 U.S.C. 119(e), for provisional application 60/207,086 filed on May 25, 2000.
3. Applicants are reminded to update page 1 of the specification with the correct serial number for the provisional application.

#### *Drawings*

4. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "140" has been used to designate both --ROM-- and --IEEE 1394 INTERFACE-- and reference character "150" has been used to designate both --RAM-- and --DEVICE--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "145" in Fig. 1. A proposed drawing correction, corrected drawings, or amendment to the specification to add the

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reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

7. The disclosure is objected to because of the following informalities:
- on page 2, line 6, the phrase "each filed would" should be "each field would";
- on page 3, line 1, the phrase "maybe automatically be" should be "may automatically be".

Appropriate correction is required.

***Claim Objections***

8. Claim 2 is objected to because of the following informalities:
- on line 1, the phrase "method of claim 2" should be "method of claim 1".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-6 and 9-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,446,110 to Lection et al.

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Lecture et al. discloses a method for exchanging data between a source location and a destination location (see column 2, lines 34-35), as claimed in claim 1, comprising:

generating a data file with a markup language in accordance with a predetermined

schema (see column 6, lines 34-35);

generating a first software envelope containing the data file (see column 6, lines 13-15;

Note that here “datastream” is the software envelope.);

transmitting the software envelope to the destination location (see column 6, lines 15-16

and Fig. 4, “416”); and

creating an object from the data file with a plugin object corresponding to the

predetermined schema (see column 7, lines 5-6).

In considering claim 2, Lecture et al. further discloses automatically generating a second software envelope from the information contained in the first software envelope (see column 6, lines 49-50 and Fig. 4, “416”).

In considering claim 3, Lecture et al. further discloses:

wherein the first software envelope contains destination and source address information

(see Fig. 4, “410” and “416”; Note that in order to transmit and receive the datastreams

they must contain destination and source address information); and

wherein the step of automatically generating a second envelope includes generating a

second envelope having a destination address matching the source address of the first

envelope (see Fig. 4, “410” and “416”; Note that the double arrows show that the

datastreams are going in both directions between the source and destination and therefore

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the second envelope will have a destination address matching the source address of the first envelope.).

In considering claim 4, Lektion et al. further discloses:

wherein the first software envelope contains state information (see column 9, lines 16-18); and

wherein the step of automatically generating a second envelope includes generating a second envelope having a destination address determined by the state information (see column 9, line 19 (“host port number”)).

In considering claim 5, Lektion et al. further discloses wherein the markup language comprises extensible markup language (XML) (see column 6, lines 34-35).

In considering claim 6, Lektion et al. further discloses wherein the markup language comprises standard generalized markup language (SGML) (see column 5, lines 61-64).

In considering claim 9, Lektion et al. further discloses wherein the step of transmitting comprises transmitting the software envelope via an intermediate server (see Fig. 4, “Mid-tier Server”).

In considering claim 10, Lektion et al. further discloses a computer-readable medium having computer-executable instructions for performing the steps recited in claim 1 (Note that it is inherent that in order to perform the method steps there must be a computer-readable medium with computer-executable instructions.).

Lektion et al. discloses a computer-readable medium having stored thereon a data structure, as claimed in claim 11, comprising:

a data field containing address information (see column 9, line 19 (“host port number”));

a data field containing the identification of a predetermined schema (see column 9, lines 4-6);

a data field containing a data file formatted with a markup language in accordance with the schema (see column 9, lines 7-9).

As per claim 12, Lektion et al. further discloses a data field containing manifest information corresponding to the information contained in the data file data field (see column 9, lines 7-9).

As per claim 13, Lektion et al. further discloses a data field containing state information (see column 9, lines 16-18).

As per claim 14, Lektion et al. further discloses wherein the state information contains address information (see column 9, line 19 ("host port number")).

As per claim 15, Lektion et al. further discloses wherein the address information contains an address for replying to a message (see Fig. 4; Note that the double arrows show that the datastreams are going in both directions between the source and destination and therefore the address information must contain an address for replying to the datastream message in order for it to be transmitted back to the host.).

Lektion et al. discloses a method for creating data at a source location to transmit to a destination location, as claimed in claim 16, comprising the steps of:

generating a data file with a markup language in accordance with a predetermined schema (see column 6, lines 34-35);

identifying a plugin object that creates an object from the data file (see column 7, lines 5-6);

generating a software envelope containing the data file (see column 6, lines 13-15); and transmitting the software envelope to the destination location (see column 6, lines 15-16).

In reference to claim 17, Lektion et al. further discloses wherein generating a software envelope containing the data file and the plugin object (see column 7, lines 33-36).

In reference to claim 18, Lektion et al. further discloses wherein the markup language comprises extensible markup language (XML) (see column 6, lines 34-35).

In reference to claim 19, Lektion et al. further discloses wherein the markup language comprises standard generalized markup language (SGML) (see column 5, lines 61-64).

Lektion et al. discloses a method for extracting data from a file transmitted from a source location, as claimed in claim 20, comprising the steps of:

receiving a software envelope containing a data file marked up with a markup language in accordance with a predetermined schema (see column 6, lines 49-50 and Fig. 4, “416”); and

creating an object from the data file with a plugin object corresponding to the predetermined schema (see column 7, lines 5-6 and Fig. 4, “414”).

In reference to claim 21, Lektion et al. discloses wherein the markup language comprises extensible markup language (XML) (see column 6, lines 34-35).

In reference to claim 22, Lektion et al. discloses wherein the markup language comprises standard generalized markup language (SGML) (see column 5, lines 61-64).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lektion et al.

Although the system disclosed by Lektion et al. shows substantial features of the claimed invention, as discussed above, it fails to disclose:

wherein the step of transmitting comprises transmitting the software envelope via electronic mail or HTTP.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Lektion et al. A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Lektion et al. by employing the well-known or conventional features of transmitting data via electronic mail or HTTP, in order to efficiently transfer the information on the network.

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,012,098 to Bayeh et al.

U.S. Patent No. 6,339,795 to Narurkar et al.

U.S. Patent No. 6,477,565 to Daswani et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mareisha N. Winters whose telephone number is (703) 305-7838.

The examiner can normally be reached on Monday-Friday, 8:00am – 5:00pm.

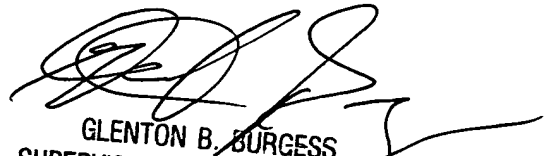
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for official communications, (703) 746-7240 for non-official communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.

*mnw*  
mnw

Mareisha N. Winters  
Patent Examiner  
AU 2153  
January 27, 2003

  
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